

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

June 5, 2006

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Harder, Hartwell, Hentzen, Willenberg

Absent: Herzberg, Murabito, Youle

Staff Members Present: Maria Bias, Deb Legge, Kurt Schroeder, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Board Member Coonrod on Monday, June 5, 2006, at 1:37 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the June, 2006, license examination applications as follows:

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Michael A. Cushenbery	Roofing & Siding	June 2006
Charles Dipman	Roofing & Siding	June 2006
Jeromey Ridpath	Roofing & Siding	June 2006
Daniel L. Glazier	Roofing & Siding	June 2006
Jason Lynch	Roofing & Siding	June 2006
Kim Lynch	Roofing & Siding	June 2006
Roy Rotramel (off agenda)	Roofing & Siding	June 2006

Board Member Hentzen made a motion to approve the license applications for testing. Board Member Hartwell seconded the motion. The motion carried, unopposed.

2. Request for second license by John K. Taylor (d/b/a D & H Roofing).

Board Member Hentzen asked that the application for the second license be clarified. It was unclear whether the applicant, Mr. Taylor, was requesting to test for a Class C license or if Mr. Taylor wished to be considered as the qualified person for two separate roofing companies without testing.

Mr. Schroeder noted that Mr. Taylor had already taken and passed the test for a Class C license and suggested that the applicant was interested in becoming the qualified person for two different companies.

Board Member Coonrod added that it was confusing as to whether Mr. Taylor was already the qualified person for AAA Roofing and wanted be the qualified person for D & H Roofing or if the reverse was correct.

Board Member Coonrod determined that the matter should be tabled for the time being until Mr. Taylor's request could be clarified.

After a brief consultation with the Central Inspection staff in the contractors' licensing section, it was explained that Mr. Taylor wished to continue as the qualified person for AAA Roofing, and additionally be the qualified person for D & H Roofing; the latter company contracting for roofing, siding, and other construction projects not permitted under the roofing license for AAA Roofing.

A motion was made by Board Member Hentzen to approve the request by Mr. Taylor for a second license. The motion was seconded by Board Member Harder. The motion carried, unopposed.

3. Condemnation Hearings

Review Cases:

1. 4940 North Arkansas

This property was demolished prior to the day of the hearing.

New Cases:

1. 1134 North Poplar

Cliff Portley, owner of the property, appeared before the Board.

Board Member Coonrod asked the Board Members to introduce themselves.

This is a one-story frame dwelling approximately 20 X 30 feet in size; it has been vacant for over ten years. The structure has a shifting block foundation; there are broken and missing siding shingles; there are exposed, rotted wall studs; the composition roof is deteriorated; and some of the wood trim has rotted.

The active file was started on this property on June 4, 1991. A Notice of Improvements was issued, but there was no response. A violation notice was issued on February 26, 1992, and there was no response to that notice.

In April of 1992, a pre condemnation letter and a violation notice were issued to secure the property. Mr. Portley brought the property into compliance, secured it and kept it vacant and secure until 2003. In August of 2003 a new Notice of Improvements was issued, followed by a Notice of Violation in January of 2004. The structure was secured again and maintained as such until November of 2004. Central Inspection received no response to additional notices that were issued. A pre-condemnation letter was issued on November 16, 2005, and the owner called Central Inspection and requested an extension until after the first of the year to make the necessary repairs to the property. An extension was

granted until March 1, 2006, for compliance. There has been no change to the property.

The taxes are current. There is some tall grass and brush on the premises. Although there has been no change to the property, the structure is secure.

Board Member Harder inquired about what Mr. Portley planned for the property. Mr. Portley replied that he planned to demolish the structure. Board Member Harder asked Mr. Portley how soon he expected the demolition to be accomplished. The owner indicated that it would take approximately two or three months.

Board Member Hentzen asked about a hole in the rear of the structure, evident in the photographs shown to the Board. Ms. Legge explained that the hole was not accessible; however, that was the current condition of the building.

Board Member Harder made a motion to allow Mr. Portley sixty days to demolish the structure or reappear before the Board with an update. Board Member Hentzen seconded the motion. The motion carried unanimously.

1. 1255 North Poplar

There was no one present as a representative of this property.

A one-story frame dwelling, approximately 30 X 60 feet in size, it has been vacant for over two years. The basement walls are shifting; there are missing and broken siding shingles; there are exposed and rotted wall studs; the composition roof is deteriorating; and there is rotted wood trim. There is an accessory structure, 12 X 60 feet in size, which is also dilapidated.

The active case was started on this property on January 15, 2004. A Notice of Improvements was sent on that date but received no response. Violation notices were sent in April and May of 2004, but there was still no response. It was determined that the owner of the property was deceased, and a violation notice was issued to a family member of the deceased owner in July of 2005. There have been no changes to the property.

A motion was made by Board Member Harder to send the property to City Council for demolition action, ten days to start the demolition and ten days to complete it. Board Member Willenberg seconded the motion. The motion carried, unopposed.

2. 1258 North Green

There was no one appearing on behalf of this property.

Approximately 24 X 30 feet in size, this is a one-story, frame dwelling. It has been vacant for over three years. The block foundation is shifting, and there are

broken and missing siding shingles. The front porch cover is rotted, and the structure has rotted wood trim.

An active file was initiated on April 15, 2003, at which time a Notice of Improvements was issued to the out-of-state owner.

Board Member Willenberg made a motion to refer the property to the City Council for demolition action, ten days to start and ten days to complete demolition. A second to the motion was made by Board Member Harder. The motion carried.

3. 1718 North Green

There was no representative for this property present.

The structure is a one-story, frame dwelling, about 24 X 32 feet in size. It has been vacant for more seven years. The structure has a shifting concrete block foundation; there are broken and missing siding shingles; the composition roof is badly deteriorated, and there is rotted wood trim. A 12 X 60 foot accessory building is also dilapidated.

Board Member Hentzen made a motion to send the property to the City Council for demolition action, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Willenberg. The motion passed without opposition.

4. 2145 East Shadybrook

No one appeared as a representative for this property.

Vacant for at least a year, this one-story, brick-over-frame dwelling is approximately 25 X 33 feet in size. The structure has shifting, collapsing basement walls; crumbling and missing brick façade; exposed and rotted framing members; and deteriorated concrete porches.

The active was started on February 23, 2005, with the issuance of a Notice of Improvements. A violation notice was then issued in August of 2005, with no response to either notice. The pre-condemnation letter that was issued in September of 2005 was returned, unclaimed.

Board Member Harder made a motion to send the property to City Council for demolition action, ten days to start demolition and ten days to complete it. The motion was seconded by Board Member Hentzen. The motion carried.

5. 1626 North Oliver

There was no representative present for this property.

Approximately 33 X 36 feet in size, this one-story, frame dwelling has been vacant for over three years. The structure has badly deteriorated, rotted wood

lap siding; there is rotted wood trim; the 12 X 10 foot accessory shed is dilapidated.

A Notice of Improvements was issued on March 4, 2003, and received no response. Violation notices issued in May and September of 2003 were returned, unclaimed.

Board Member Willenberg made a motion to refer the property to the City Council for demolition action, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Hartwell. The motion carried, unopposed.

Board Member Hartwell inquired why the properties brought before the Board had such lengthy case histories of violations by the time they were presented for consideration for condemnation. Ms Legge explained that there were various reasons that prevented Central Inspection from bringing the properties to the Board for condemnation hearings in shorter time frame. Ms. Legge cited one of the properties presented on the current agenda, which had been in court twice; the condemnation process had been stalled by legalities in the court system, prohibiting further action by Central Inspection for several years. In some instances, the property owners will make minor repairs, but they are either adequate for code compliance or shows an attempt at compliance, which halts the proceedings for pre-condemnation.

Ms. Legge informed the Board that the letter notifying the owner of the hearing for 1954 N. Minneapolis stated that the property would be presented to the Board no earlier than 2:30 p.m.

Board Member Hentzen requested clarification about the results of a property being declared "unfit for habitation."

Mr. Schroeder explained that an occupied property that has been determined to be in a condition that is unfit for occupancy may be declared "unfit for habitation" by the Board of Code Standards and Appeals. The Board can then issue an order to direct the property owner and the occupant of the structure to vacate the house within a set time frame. Depending upon the estimated cost of the repairs, the house may be vacated and then later demolished if the repairs would be more costly than the worth of the property; or the house may be vacated and repaired if the value of the structure is greater than cost of rehabilitating it. In either case, the order for condemnation is a separate and different action than a declaration of "unfit for habitation."

Mr. Schroeder commented on the "Stop Blight" initiative, which had recently been featured in the Wichita Eagle, the local newspaper. One of the proposed strategies to keep houses from being empty and boarded up and left to deteriorate is to work in alliance with Sedgwick County to possibly have tax foreclosure sales more routinely. More frequent tax foreclosure sales would allow some of those properties to be purchased and repaired rather than being left to deteriorate and ultimately be razed. Another strategy would be to allow

non-profit organizations to bid on the properties during a special tax sale hearing after a two-year tax delinquency, which is currently permitted by State law. Further efforts include the proposed ordinance that would require registration of properties that have been boarded up by the owner(s), but have been deemed a problem in some way. The owner would then be required to provide a plan for the repair, sale or demolition of the structure. If the owner(s) fails to follow through with the plan, the registration fee for the property would increase and could become a lien against the property, which could allow a civil foreclosure.

Board Member Coonrod suggested that the Board should not hold any discussion and/or action on the property until the time stated in the letter in case a representative for the property wished to be heard by the Board. After a short break, the Board reconvened at 2:30 p.m.

Unfit for Habitation:

6. 1954 North Minneapolis

No one representing this property appeared before the Board.

The case on this property was initiated on September 28, 2004, as a result of police action due to drug activity at this location. A Notice of Violation was issued to the occupant of the structure for occupying the dwelling without utilities (gas service, electrical service, water service). A Uniform Criminal Complaint was issued on October 6, 2004, but the occupant did not appear in court, which precipitated the issuance of a bench warrant for the occupant.

On January 19, 2005, a final notice was issued without response. A second Uniform Criminal Complaint was issued on September 14, 2005, and that court case was closed out with a \$100 fine plus costs. No repairs were made, nor were the utility services restored.

An "Unfit for Habitation" letter was issued on May 5, 2006. The violations noted were a cracked concrete foundation; broken and missing siding shingles; deteriorated windows; rotted wood trim; no water service; no gas service; no electrical service; junk, trash and five-gallon buckets of human waste on the premises.

A letter of notification of the June 5, 2006, hearing was posted on the property; and a copy was sent to the last known address of the owner, informing any interested parties of the impending hearing to declare the structure "Unfit for Habitation."

Board Member Coonrod made a motion to declare the property as "unfit for habitation," and order the structure to be vacated and secured within thirty days. The motion was seconded by Board Member Banuelos. The motion passed without opposition.

4. Appeal action against Tim Henry d/b/a American Builders, L.L.C.:

- a. regarding the construction of a room addition, installation of a roof on the house and the garage, removal and installation of a concrete porch with roof, and installation of vinyl siding on all exterior concrete walls of the house at 1151 N. Hydraulic (Cheryl Carter);
- b. regarding the remodel of the dwelling at 1031 S. Christine (Janice Kirk).

Mr. Kurt Schroeder informed the Board that Mr. Henry had retained an attorney to represent him at the hearing regarding the complaints lodged against him by Ms. Cheryl Carter and Ms. Janice Kirk. The attorney contacted Mr. Schroeder and explained that he was unable to accompany Mr. Henry to the June 5th hearing due to a previous commitment. After contacting the Law Department with the City of Wichita, Mr. Schroeder was advised by a City attorney to defer the hearing involving the complaints against Mr. Henry until the following Board of Code Standards and Appeals hearing, which is scheduled for July 10th.

The meeting was adjourned at 2:35 p.m.